

APPEAL NO. 040811
FILED MAY 25, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 1, 2004. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____; that she had disability from February 17 through May 28, 2003; and that the compensable injury does not include disc bulges at L4-S1 levels. The claimant appeals the extent-of-injury determination. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202 was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code from the computation of time in which to file an appeal. Section 410.202(d). Texas Workers' Compensation Commission records indicate that the hearing officer's decision was mailed to the claimant on March 12, 2004. The decision was deemed received by the claimant on March 17, 2004. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)). Under Section 410.202(a), 15 days from the claimant's deemed date of receipt of the decision was April 7, 2004. Although the envelope containing the claimant's appeal bears a postage meter date of April 7, 2004, it is postmarked April 8, 2004. Therefore, the appeal was not timely filed.

Because the claimant's appeal was not timely filed, the hearing officer's decision and order have become final pursuant to Section 410.169 and Rule 142.16(f).

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge